

# Exhibit 1



**SOCIAL SECURITY ADMINISTRATION**

Refer To: Representation

Office of Hearings and Appeals  
301 Howard Street  
3rd Floor  
San Francisco, CA 94105  
Tel: (415)744-3080 / Fax: (415)744-2548

August 31, 2007

Lucille Gonzales Meis, Regional Chief Counsel  
Office of the Regional Counsel, Region IX  
Social Security Administration  
333 Market St.; Suite 1500  
San Francisco, CA 94105

Social Security Admin.  
RECEIVED

SEP - 4 2007

Office of the  
General Counsel

Attn: Armand D. Roth  
Assistant Regional Counsel

Re: Request for Representation of Individual Defendant in Cheryl Johnson Nemes v. Benjamin F. Parks et al., Superior Court of California, County of San Francisco, CGC-07-465693

Dear Ms. Meis:

I hereby request that the Department of Justice provide representation to me, Benjamin F. Parks, Hearing Office Chief Administrative Law Judge (HOCALJ) in the Social Security Administration (SSA), Office of Disability Adjudication and Review in San Francisco, who has been named as a defendant in the above-titled action.

The complaint was served on our San Francisco hearing office on or about August 1, 2007. The complaint was forwarded to the Office of the General Counsel, which, in turn, notified the United States Attorney's Office in San Francisco.

Our records indicate that Plaintiff filed an application for inclusion in SSA's Plan for Achieving Self Support (PASS) program, and that her application was denied initially, upon reconsideration and at the hearing level. Plaintiff's appeal to the Appeals Council, filed August 23, 2007, is pending.

It appears that Plaintiff has named me a defendant in my capacity as HOCALJ because I denied her application. I have no personal connection with this Plaintiff. My only involvement with this Plaintiff and any actions taken by me were within the scope of my employment.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to be 'B. Parks', written over the typed name and title.

Benjamin F. Parks  
Hearing Office Chief Administrative Law Judge  
San Francisco Region IX

# Exhibit 2



**SOCIAL SECURITY ADMINISTRATION**

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**2500 Hilborn Rd., Suite A  
Fairfield, CA 94533  
(707) 425-8099**

August 28, 2007

Lucille Gonzales Meis, Regional Chief Counsel  
Office of the Regional Counsel, Region IX  
Social Security Administration  
333 Market St.; Suite 1500  
San Francisco, CA 94105

Attn: Armand D. Roth  
Assistant Regional Counsel

Re: Request for Representation of Individual Defendant in  
Cheryl Johnson Nemes v. Benjamin F. Parks et al.,  
Superior Court of California, County of San Francisco,  
CGC-07-465693

Dear Ms. Meis:

I have been named as a defendant in the above-titled action and hereby request that the Department of Justice provide representation to me, Levardis Smith, who previously worked as Scheduler for Hearing Office Chief Administrative Law Judge (HOCALJ) Parks in the Social Security Administration (SSA), Office of Disability Adjudication and Review in San Francisco.

The complaint was served on our San Francisco hearing office on or about August 1, 2007. The complaint was forwarded to the Office of the General Counsel, which, in turn, notified the United States Attorney's Office in San Francisco.

The record indicates that Plaintiff filed an application for inclusion in SSA's Plan for Achieving Self Support (PASS) program, and that her application was denied initially, upon reconsideration and at the hearing level. Plaintiff's appeal to the Appeals Council, filed August 23, 2007, is pending.

It appears that Plaintiff has named me a defendant in my capacity as Scheduler for the HOCALJ who denied her application. I have no personal connection with this Plaintiff. My only involvement with this Plaintiff and any actions taken by me were within the scope of my employment.

Sincerely,

Levardis Smith  
Service Representative  
Fairfield Field Office,  
Region IX

# Exhibit 3



**SOCIAL SECURITY ADMINISTRATION**

Refer To:

Office of Disability Adjudication and Review  
301 Howard Street  
3rd Floor  
San Francisco, CA 94105  
Tel: (415)744-3080 / Fax: (415)744-2548

August 28, 2007

Lucille Gonzales Meis, Regional Chief Counsel  
Office of the Regional Counsel, Region IX  
Social Security Administration  
333 Market St.; Suite 1500  
San Francisco, CA 94105

Attn: Armand D. Roth  
Assistant Regional Counsel

Re: Request for Representation of Individual Defendant in Cheryl Johnson Nemes v. Benjamin F. Parks et al., Superior Court of California, County of San Francisco, CGC-07-465693

Dear Ms. Meis:

I request that the Department of Justice provide representation to Levardis Smith, who previously worked as Scheduler for Hearing Office Chief Administrative Law Judge (HOCALJ) Parks in the Social Security Administration (SSA), Office of Disability Adjudication and Review in San Francisco, and who has been named as a defendant in the above-titled action.

The complaint was served on our San Francisco hearing office on or about August 1, 2007. The complaint was forwarded to the Office of the General Counsel, which, in turn, notified the United States Attorney's Office in San Francisco.

Our records indicate that Plaintiff filed an application for inclusion in SSA's Plan for Achieving Self Support (PASS) program, and that her application was denied initially, upon reconsideration and at the hearing level. Plaintiff's appeal to the Appeals Council, filed August 23, 2007, is pending.

Our records indicate that HOCALJ Parks issued the decision denying Plaintiff's application. Plaintiff appears to have named Mr. Smith as a defendant because he assisted HOCALJ Parks. Mr. Smith has executed a request seeking representation by the United States Department of Justice. We believe that representation is warranted and endorse his request for representation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Emily Montuya', written over a horizontal line.

Emily Montuya  
Hearing Office Director  
San Francisco Region IX

# Exhibit 4

ORIGINAL  
FILED  
07 AUG 31 PM 2:05  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SCOTT N. SCHOOLS (SC 9990)  
United States Attorney  
JOANN M. SWANSON (CSBN 88143)  
Assistant United States Attorney  
Chief, Civil Division  
JENNIFER S. WANG (CSBN 233155)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-6967  
Facsimile: (415) 436-6748  
Email: [jennifer.s.wang@usdoj.gov](mailto:jennifer.s.wang@usdoj.gov)

Attorneys for Federal Defendant  
Benjamin F. Parks

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CHERYL JOHNSON NEMES,  
Plaintiff,  
v.  
BENJAMIN F. PARKS, and DOES 1 TO 100,  
Defendants.

Case No. C 07-4514 JSW

**AMENDED CERTIFICATION  
PURSUANT TO  
28 U.S.C. § 2679(d)**

I, Joann M. Swanson, hereby certify as follows:

1. I am the Chief of the Civil Division of the United States Attorney's Office for the Northern District of California. Pursuant to written delegation from Scott N. Schools, the duly appointed United States Attorney for the Northern District of California, I have been authorized to exercise on behalf of the United States Attorney the authority vested in him by the Attorney General, pursuant to 28 C.F.R. § 15.3, to certify pursuant to 28 U.S.C. § 2679(d) that a federal employee named as a defendant in a civil action was acting within the course and scope of his or her employment with reference to the matters alleged in the suit.

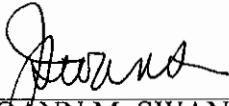
Certification Pursuant to  
28 U.S.C. § 2679(d) - Parks



2. I have reviewed the complaint in the above-captioned action. On the basis of that complaint and certain other information provided to me, pursuant to the provisions of 28 U.S.C. § 2679(d) and by virtue of the authority vested in me as set forth above, I hereby certify that Benjamin F. Parks was acting within the course and scope of his employment as an administrative law judge.

Dated: August 31, 2007

By:

  
JOANN M. SWANSON  
Assistant United States Attorney